

Message Text

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ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 CU-02 OIC-02

ACDA-05 SAJ-01 /072 W

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O R 171156Z JUL 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1482

INFO USMISSION USBERLIN IMMEDIATE

AMEMBASSY PARIS

AMEMBASSY BERLIN

USMISSION GENEVA IMMEDIATE

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 03 BONN 11584

E.O. 11652: GDS

TAGS: PFOR, CSCE, GW, WB, US, UK, FR, UR

SUBJECT: CSCE: APPLICABILITY TO BERLIN

REFS: (A) STATE 162699; (B) BONN 11122

BEGIN SUMMARY: POLITICAL OPPOSITION TO CSCE
PERSISTS IN GERMANY, AND THE BUNDESTAG WILL BE RECALLED
FOR SPECIAL SESSION TO DEBATE IT NEXT WEEK.
UNDER THE CIRCUMSTANCES, THE GERMANS ARE UNABLE TO
AGREE THAT WHAT WE ARE PROPOSING BY WAY OF A GENERALIZED
POLITICAL STATEMENT AT STAGE III ON BERLIN AND CSCE IS
ADEQUATE TO THEIR DOMESTIC POLITICAL NEEDS. RATHER,
THEY CONTINUE TO URGE THAT WE AGREE--AS THE BRITISH AND
FRENCH HAVE ALREADY DONE--TO A CLEARCUT STATEMENT IN
HELSINKI THAT THE THREE ALLIES CONSIDER THAT THE
DOCUMENTS PRODUCED BY CSCE RELATE ALSO TO
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BERLIN. ACTION REQUESTED: WE RECOMMEND THAT DEPARTMENT

URGENTLY RECONSIDER THE ISSUE AND PROVIDE ADDITIONAL INSTRUCTIONS, ACCOMODATING THIS REAL FRG POLITICAL NEED, FOR JULY 18 BONN GROUP MEETING. END SUMMARY.

1. OVER HALF OF JULY 16 BONN GROUP MEETING WAS DEVOTED TO DISCUSSION OF PROPOSED STATEMENTS BY ALLIED SPOKESMEN AT HELSINKI ON APPLICABILITY OF CSCE TO BERLIN, WITH US ISOLATED IN ATTEMPTS TO SWAY OTHER THREE DELEGATIONS FROM THEIR SUPPORT FOR UK DRAFT STATEMENT. (AS REPORTED REF B, UK, FRENCH AND GERMAN REPS HAD REPORTED AT JULY 8 MEETING THE AGREEMENT OF THEIR CAPITALS TO THE STATEMENT: "SUBJECT TO QUADRI-PARTITE RIGHTS AND RESPONSIBILITIES, THE US (UK/FRENCH) GOVERNMENT CONSIDERS THAT THE DOCUMENTS EMERGING FROM THE CSCE RELATE ALSO TO BERLIN.")

2. AFTER US REP HAD REPORTED INSTRUCTIONS IN REF A, OTHER THREE REPS VOICED CONTINUING BELIEF IN IMPORTANCE OF AN AGREED STATEMENT ON BERLIN--RELATED MATTERS, HENCE EFFORT TO WORK OUT COMMON APPROACH WAS PURSUED. BEFORE DISCUSSING SUBSTANCE OF US POSITION, UK REP (CROMARTIE) REPORTED FRESH WORD FROM LONDON THAT "ALL EUROPE" CLAUSE MIGHT BE IN JEOPARDY, BECAUSE OF SOVIET EFFORT TO TIE IT TO IRREVERSIBILITY OF DETENTE, AND ASKED WHETHER US POSITION WOULD BE THE SAME IF THERE WERE NO "ALL EUROPE" CLAUSE. US REP NOTED THAT HIS INSTRUCTIONS WERE BASED ON ASSUMPTION THAT THERE WOULD BE SUCH A CLAUSE.

3. FRG REP (LUECKING) SAID THERE IS NO QUESTION ABOUT HAVING AN "ALL EUROPE" CLAUSE. WITHOUT ONE, THE FRG COULD NOT SIGN THE CSCE DOCUMENTS. HE REMINDED BONN GROUP REPS OF THE RISING POLITICAL TEMPERATURES IN THE FRG OVER THE CSCE ISSUE. LAST WEEK'S CABINET SESSION ON CSCE, WHICH HAD REQUIRED FOREIGN MINISTER GENSCHER'S EARLY RETURN FROM HIS AFRICAN TRIP, WAS FOLLOWED BY A SPECIAL SESSION OF THE BUNDESTAG FOREIGN AFFAIRS COMMITTEE JULY 14 DEVOTED ENTIRELY TO CSCE, WITH THE MAJOR FOCUS BEING ON BERLIN. THE FULL BUNDESTAG WILL BE RECALLED FROM VACATIONS FOR EXTRAORDINARY SESSION
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JULY 25 TO DISCUSS CSCE. UNDER THESE CIRCUMSTANCES IT WOULD SIMPLY BE "IMPOSSIBLE" FOR FRG TO SIGN A DECLARATION WHICH DID NOT INCLUDE AN "ALL EUROPE" CLAUSE. IN ADDITION, HOWEVER, FRG CONTINUES TO HOPE ALLIES WILL MAKE CLEAR THEIR POSITIONS ON APPLICABILITY TO BERLIN.

4. FOLLOWING IS ESSENCE OF VIEWS EXPRESSED BY OTHER

REPS ON THE VARIOUS POINTS ADVANCED BY DEPARTMENT IN
REF A: A. ON SHOWING STATEMENTS TO SOVIETS IN ADVANCE,
BOTH UK AND FRG REPORTED AGREEMENT WITH FRENCH VIEW THAT
THIS DESIRABLE. LONDON THOUGHT THIS WOULD HELP PREVENT
AN OVERREACTION ON PART OF SOVIETS; IN INFORMING
SOVIETS WHAT WE PROPOSED TO SAY, ALLIED SPOKESMAN COULD
EXPRESS HOPE THAT SOVIETS WILL BE SIMILARLY RESTRAINED.
LUECKING SAID FRG THOUGHT IT SHOULD BE DONE IN GENEVA,
SHORTLY BEFORE END OF STAGE II BUT AFTER THE "ALL

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O R 171156Z JUL 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1483

INFO USMISSION USBERLIN IMMEDIATE

AMEMBASSY PARIS

AMEMBASSY BERLIN

USMISSION GENEVA IMMEDIATE

AMEMBASSY LONDON

USMISSION NATO BRUSSELS

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EUROPE" CLAUSE HAS BEEN REGISTERED IN FINAL ACT.

B. AS FOR REFERRING TO QRR IN SUMMIT STATEMENTS, FRENCH
REP CONSIDERS THIS "ABSOLUTELY ESSENTIAL" TO AVOID
SOVIET CLAIM THAT THREE ALLIES WOULD OTHERWISE BE

ATTEMPTING, ILLEGALLY, TO APPLY SECURITY AND STATUS ASPECTS OF CSCE TO BERLIN. (US REP NOTED THAT THIS PROBLEM WOULD NOT ARISE IF WE AVOIDED USING THE QUASI-LEGAL FORMULATION THAT THE CSCE DOCUMENTS "RELATE ALSO TO BERLIN.") UK REP (WHO HAD REPORTED ON JUNE 26 BONN 10389-THAT FCO HAD CONSIDERED QUESTION AND HAD DECIDED ON BALANCE THAT IT WAS PREFERABLE TO REFER TO QRR) HAD NO FRESH INSTRUCTIONS ON THAT POINT AND WAS NOT CERTAIN LONDON HAD FOCUSED ON QUESTION OF WHETHER QRR REFERENCE WAS ABSOLUTELY NECESSARY. FROM HIS INSTRUCTIONS, HOWEVER, IT WAS CLEAR THAT FCO CONTINUED CONFIDENTIAL

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TO BE ENTIRELY HAPPY WITH THE QRR REFERENCE.
C. FRG AND UK LEGAL ADVISERS TOOK ISSUE WITH POINT THAT QRR SHOULD NOT BE CITED IN CONTEXT OF BERLIN ALONE. REFERENCE WOULD NOT, THEY OBSERVED, IN ANY WAY BE AN ATTEMPT TO DEFINE QRR, BUT SIMPLY AN ACKNOWLEDGMENT THAT QRR MIGHT IMPOSE SOME LIMITS ON THE EXTENT TO WHICH CSCE RESULTS WERE MADE APPLICABLE TO WEST BERLIN. THEY WERE UNWILLING TO ACCEPT IDEA THAT THIS MIGHT JEOPARDIZE PRESERVATION OF OTHER (I.E., GDR) ASPECTS OF QRR. D. NONE OF OTHER THREE DELEGATIONS SHARED US VIEW THAT IT WOULD BE "PECULIAR" TO EXPAND ON THE "ALL EUROPE" CLAUSE BY MAKING IT CLEAR THAT THE ALLIES CONSIDER THAT THE CSCE DOCUMENTS RELATE TO BERLIN.

5. AFTER LENGTHY AND SOMETIMES HEATED EXCHANGE, FRG REP SUMMARIZED FRG POSITION AS FOLLOWS: WHILE ARGUING THAT PURPOSE OF BERLIN STATEMENTS AT SUMMIT IS POLITICAL, DEPARTMENT'S RATIONALE IS REALLY BASED ON A LEGAL CONCEPT: THAT THERE IS NO "NEED" TO REPEAT AT HELSINKI WHAT WILL PRESUMABLY BE EMBODIED, ALBEIT IMPRECISELY, IN THE QRR SAVINGS CLAUSE AND THE "ALL EUROPE" CLAUSE. FRG GRANTS THIS BUT POINTS OUT THAT BY THE SAME TOKEN THERE IS NO LEGAL NEED FOR AN "ALL EUROPE" CLAUSE AT ALL. LEGALLY SPEAKING, FOR MOST PURPOSES BERLIN'S INTERESTS ARE REPRESENTED AT CSCE BY THE FRG, AND FOR THE REMAINING PURPOSES--SECURITY AND STATUS--BY THE THREE ALLIES. ONE WAY OR ANOTHER, THEREFORE, THE FINAL DOCUMENTS WILL HAVE THE SAME RELEVANCE FOR BERLIN AS FOR THE FRG. BUT SINCE NOT EVERYONE (READ THE CDU/CSU OPPOSITION) MAY SHARE THIS VIEW, THE FRG HAS WORKED TO OBTAIN THE "ALL EUROPE" CLAUSE. AND BECAUSE THERE WILL STILL BE SOME WHO WILL CLAIM THAT EVEN THAT CLAUSE MAY LEAVE SOME HOLES, SINCE BERLIN IS NOT SPECIFICALLY REPRESENTED AT CSCE, THE FRG CONSIDERS IT NECESSARY FOR POLITICAL REASONS TO HAVE ADDITIONAL STATEMENTS WHICH MAKE ABSOLUTELY CLEAR WHAT IS MEANT BY THE CONCEALED

LANGUAGE IN THE DOCUMENTS THEMSELVES.

6. IN AN EFFORT TO PROMOTE A COMPROMISE, BOISSIEU
PROPOSED THAT THE DEPARTMENT'S IDEAS IN PARA 3 OF REF A
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BE BROKEN DOWN INTO THREE PARTS: PART A WOULD BE A
GENERAL REFERENCE TO THE IMPORTANCE OF THE QA AND THE
PRACTICAL IMPROVEMENTS IN THE BERLIN AREA IN THE
PROCESS LEADING TO CSCE. EACH SPOKESMAN WOULD DEVELOP
THIS THEME AS HE SAW FIT. PART B (IN THE DEPARTMENT'S
WORDS, "THE IMPORTANCE OF BERLIN, AS A PART OF EUROPE,
BENEFITTING FROM THE RESULTS OF CSCE) IS THE CRUX OF
THE MATTER FROM THE STANDPOINT OF GERMAN POLITICAL
NEEDS, AND FOR THIS THERE SHOULD BE AN AGREED SENTENCE
ALONG THE LINES OF THAT ALREADY AGREED BY THE UK,
FRANCE, AND THE FRG. PART C--BERLIN AND THE FURTHER
PROGRESS OF DETENTE--WOULD, AGAIN, BE A THEME FOR
INDIVIDUAL DEVELOPMENT. ALTERNATIVELY, HE SUGGESTED
THAT PARTS B AND C BE COMBINED INTO A SENTENCE SUCH AS
THE FOLLOWING, WHICH WOULD MEET BOTH THE MAIN LINES OF
THE DEPARTMENT'S PREFERRED APPROACH AND THE FEELINGS OF
THE OTHER THREE THAT QRR SHOULD BE CITED AND THAT IT
SHOULD BE SAID SPECIFICALLY THAT CSCE RELATES TO BERLIN:
"THE DOCUMENTS OF CSCE RELATING, OF COURSE, TO BERLIN--
SUBJECT TO QUADRIPARTITE RIGHTS AND RESPONSIBILITIES--
THE US (UK/FRENCH) GOVERNMENT CONSIDERS IT IMPORTANT
THAT THE CITY AND ITS INHABITANTS BENEFIT FROM THE
FURTHER PROGRESS OF DETENTE." THE UK AND GERMAN REPS
SUPPORTED THIS COMPROMISE EFFORT, AND THE US REP
WHILE EXPRESSING DOUBTS THAT THE DEPARTMENT WOULD BE
SWAYED, AGREED TO REPORT IT AND SEEK NEW INSTRUCTIONS.

7. COMMENT: BEGINNING WITH JUNE 26 SESSION (BONN

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1484

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AMEMBASSY PARIS

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USMISSION GENEVA IMMEDIATE

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10389) WE HAVE CONSISTENTLY AND STRONGLY ARGUED AGAINST MAKING HELSINKI STATEMENT A QUASI-LEGAL ONE AND IN FAVOR OF A MORE GENERALIZED POLITICAL STATEMENT ON THE ESSENTIALITY FOR DETENTE OF BRINGING THE BENEFITS OF CSCE TO THE BERLINERS. NO ONE DISAGREES WITH OUR SAYING WHATEVER WE WISH ON THE LATTER SCORE, BUT IT REALLY IS A DIFFERENT POINT. SUCH A STATEMENT WOULD SERVE AS A HIGHLY DESIRABLE WARNING AGAINST NEW PRESSURES ON BERLIN. BUT IT SIMPLY WOULD NOT MEET THE DOMESTIC POLITICAL NEEDS WHICH PROMPTED THE GERMANS TO ASK THE ALLIES TO SAY FORTHRIGHTLY AT STAGE III THAT BERLIN IS A PART OF THE CSCE PROCESS. THE FRG IS UNDER GROWING PRESSURES TO DEMONSTRATE THAT THIS IS SO, AND IT BELIEVES THAT ONLY AN UNEQUIVOCAL STATEMENT FROM THE THREE ALLIES--HOWEVER UNNECESSARY OR INEFFICACIOUS
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FROM A STRICTLY LEGAL STANDPOINT--WILL SUFFICE. THE GERMANS HAVE THE SUPPORT OF THE BRITISH AND THE FRENCH, AND DESPITE OUR BEST EFFORTS WE HAVE BEEN UNABLE TO PERSUADE THEM THAT WHAT WE PREFER IS ALL THEY NEED. WE BELIEVE THAT, WITH UK DRAFT, DANGERS OF POSSIBLE COMPLICATIONS ORIGINALLY CITED BY USBER (USBER 1198) AND DEPARTMENT (STATE 148936) WHEN WE EMBARKED ON COURSE OF ADVOCATING "POLITICAL" RATHER THAN "LEGAL" STATEMENT

ARE MINIMAL. GIVEN TIME PRESSURES, ALTERNATIVE WOULD SEEM TO BE TO ABANDON EFFORT TO OBTAIN COORDINATED STATEMENTS, WITH ACCOMPANYING RISK THAT WE WOULD BE SIGNALING AN ALLIED DIVERGENCE OF VIEWPOINTS WHICH SOVIETS MIGHT LATER EXPLOIT. WE THEREFORE RECOMMEND THAT DEPARTMENT RECONSIDER ISSUE ON URGENT BASIS AND AGREE TO BE GUIDED, IN PREPARING DRAFTS OF STAGE III SPEECH, BY INTENT TO INCLUDE LANGUAGE SUCH AS THAT OF BRITISH DRAFT (PARA 1 ABOVE) OR OF FRENCH VARIANT SUGGESTED IN PARA 6, ABOVE.

8. ACTION REQUESTED: FURTHER GUIDANCE, TO BE SENT IF AT ALL POSSIBLE BY C.O.B. JULY 17 (WASHINGTON TIME). NEXT BONN GROUP MEETING IS SCHEDULED FOR MORNING OF JULY 18.
HILLENBRAND

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